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REVIEWS OF BOOKS

Introduction à la Doctrine de l'État. By GEORGE JELLINEK, Professor of Law in the University of Heidelberg. Translated from the German by GEORGES FARDIS, Directeur des "Archives Diplomatiques". (Paris: Albert Fontemoing. 1904. Pp. viii, 223.)

PROFESSOR JELLINEK is among the first, if indeed he is not the first, of living writers in the field of political theory. In 1882 he published his *Die Lehre von den Staatenverbindungen*; in 1887, his *Gesetz und Verordnung*; in 1892, his *System der subjektiven öffentlichen Rechte*; and, finally, in 1900, his *Allgemeine Staatslehre*. This last is the first volume of a comprehensive work entitled *Das Recht des modernen Staates*, the production of which, as he says in his preface, has been due at once to his desire to present in the form of a systematic synthesis the results of previous monographic studies, and to his belief that there is needed a political treatise the form and method of which shall conform to the requirements of present political conditions. The first section of this first volume is devoted to the task of determining the problems and methods of political theory and to a statement of its relations to other departments of scientific inquiry. It is this section that is translated by M. Fardis under the title "Introduction to the Theory of the State". For some reason the title on the cover is that of the whole work, *L'État moderne et Son Droit*.

As appears from the foregoing, the work is purely political in character. It has, however, a direct interest to historians in so far as it considers the value of history and the historical method to the political scientist. The province of political science, when limited to the study of a particular state, says the author, is concerned with the discovery and description of average types (*types moyens — Durchschnittstypen*) as distinguished from ideal types. These average types are to be determined by induction, that is, by the comparative and historical methods. This methodological principle, though clear and simple in itself, is, however, one surrounded by great difficulty in application. This arises from the fact that, upon the one hand, there is the danger of so emphasizing likenesses as unduly to disregard individual characteristics, with the result that the type so determined corresponds to nothing that exists. This, asserts Jellinek, is the error into which have fallen all attempts to create a general science of comparative jurisprudence. Upon the other hand, when all of the special peculiarities of each political unit are considered, the general or average type cannot be made to appear. In order, then, to avoid these two opposite dangers, it is necessary for the political scientist to limit his investigation to political institutions which proceed

from the same civilization and rest upon a common historical basis. The results due to a disregard of this principle are seen when one attempts to compare antique with modern democracy, the absolutism of Roman emperors with that of monarchs of the present time, or the federal states of to day with those of ancient Greece. Coming more directly to the application of the historical method to the study of political types, the author's discussion centers around the necessity of distinguishing between the change of an institution into an entirely different thing and its modification, wherein it alters its form and some of its attributes, but still performs essentially the same political functions. In the former case the historical connection is, so to speak, purely an external one, and an attempt to analyze the character or interpret the functions of the later institution by the character and functions of the earlier is inappropriate and misleading. Thus, also, the study of institutions that have gone out of existence is of little or no practical value in the analysis of present political phenomena. Thus, without at all denying the intrinsic value of historical research, the author points out that in any attempt to analyze modern political types, the history of the past is valuable only in so far as it traces the development and thus serves to explain the nature of existing institutions. All else belongs to the domain of historical and political antiquities.

In the foregoing, the reviewer has limited himself to a notice simply of a single point. In justice to the author it should be said, however, that the work as a whole furnishes an excellent propædæutic to the study of the modern state, and the larger work of which it is a part must serve still further to enhance the already high reputation of its author. That the French rendering of the German original is well done is sufficiently attested by the name of the translator.

W. W. WILLOUGHBY.

The Development of European Polity. By HENRY SIDGWICK, late Professor at Cambridge. (New York: The Macmillan Company; London: Macmillan and Company. 1903. Pp. xxvi, 454.)

THIS book is the posthumous publication of the late Professor Sidgwick's lectures at Cambridge in the field of political science, and the place the work occupied in the author's mind is best stated in the words of the editor, Mrs. Sidgwick. He considered, she says,

That a threefold treatment of politics is desirable for completeness : — first, an exposition analytical and deductive, such as he attempted in his work on the *Elements of Politics*; secondly, an evolutionary study of the development of polity within the historic period in Europe, beginning with the earliest known Græco-Roman and Teutonic polity, and carried down to the modern state of Europe and its colonies as the last result of political evolution; thirdly, a comparative study of . . . what may be called the constitution-making century which has just ended. The